



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,501	09/30/2003	Ronald Vaiden Carpenter	MAXTEL 1	6048
31704	7590	06/09/2006	EXAMINER LA, NICHOLAS T	
JOHN H. THOMAS, P.C. 536 GRANITE AVENUE RICHMOND, VA 23226			ART UNIT 2617	
			PAPER NUMBER	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/675,501

Applicant(s)

CARPENTER ET AL.

Examiner

Nicholas T. La

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claim 3** recites the limitation dependent in **claim 2**. There is insufficient antecedent basis for this limitation in the claim.

### ***Response to Arguments***

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., audit tool or actual audit or audit telecommunication bills or policing of a plan to make sure that it is properly applied to the services being used) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant has combined the previous dependent claim 2 into claim 1. Therefore, the previous rejections stand on the same ground of rejections with changes that reflecting the changes the applicant made. See attached rejections.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3, 5, 7-9** are rejected under 35 U.S.C. 102(e) as being unpatentable by Marsh et al. (US Patent 6,574,465).

Regarding **claim 1**, Marsh et al. discloses a method for managing telecommunication bills for a subscriber, the method comprising the steps of:

conducting an analysis of a subscriber's telecommunication usage requirements (col. 2, line 5 to 22);

creating a baseline report to correspond to the subscriber's requirements (col. 2, line 5 to 22, the baseline report comprising creating a usage history table and a call detail table from the actual monthly bills);

selecting a telecommunication carrier plan to conform to the baseline report (col. 15, line 55 to col. 16, line 9);

receiving a subsequent bill from the carrier corresponding to the subscriber's actual telecommunication usage (col. 2, line 5 to 22);

comparing the bill to the baseline report (col. 7, line 66 to col. 8, line 21, Figure 7, col. 18, line 23 to 61); and

identifying exceptions in the bill as compared to the baseline report (Table 8, identifying the cost and efficiency of Mo 6 against the baseline report of Mo1 through Mo 5); and

requesting billing credit from the carrier in the amount of the identified exceptions (Table 8 shows inherently upon request from the billing system, carriers provide cost and charges for different plans as oppose to different usage for a particular user).

creating an actual report for the subscriber (page 2, line 5 to 22).

Regarding **claim 3**, Marsh et al. further discloses a method comprising: following-up with the carrier to insure that credit was posted to the subscriber account (Figure 2, element 120; Figure 5; col. 6, line 58 to col. 6, line 11).

Regarding **claim 4**, Marsh et al. further specifically discloses a method, wherein the method is performed on a periodic basis corresponding to the generation of bills by the carrier (col. 4, line 17 to 33).

Regarding **claim 5**, Marsh et al. further discloses a method comprising:

identifying a new telecommunication carrier plan (col. 2, line 5 to 22; col. 15, line 55 to col. 16, line 9);

comparing the new carrier plan to the baseline report (col. 15, line 55 to col. 16, line 9);

deciding whether the new carrier plan better conforms to the subscriber's usage requirements (col. 2, line 5 to 22).

Regarding **claim 7**, Marsh et al. further discloses a method, wherein the step of selecting a telecommunication carrier plan to correspond to the baseline report comprises selecting a plurality of telecommunication carrier plans to correspond to the baseline report (col. 15, line 55 to col. 16, line 9).

Regarding **claim 8**, Marsh et al. further discloses a method, wherein the plurality of plans is provided by a plurality of plan carriers (col. 15, line 55 to col. 16, line 9).

Regarding **claim 9**, Marsh et al. further discloses a method, wherein the analysis of a subscriber's telecommunication usage requirements includes indentifying and suggesting a plurality of carrier options and plans (col. 15, line 55, to col. 16, line 9).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. (US Patent No. 6,574,465) and further in view of Cheslog (Us Patent No. 5,659,601).

Regarding **claim 6**, Marsh et al. fails to specifically further disclose a method, wherein the subscriber comprises a plurality of telecommunication users. In an analogous art, Cheslog discloses a method of selecting a cost effective plan. Cheslog further discloses a method, wherein the subscriber comprises a plurality of telecommunication users (col. 2, line 9 to 21). Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention was made to modify Marsh et al. method to apply to a plurality of telecommunication users in order to provide better plans and services and more saving to a plurality of users and eventually will encourage more users to feel better in joining in and buy those telecommunication services.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

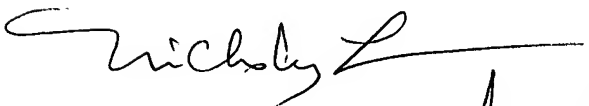
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas T. La whose telephone number is (571)-272-8075. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Nicholas La  
06/05/2006

  
NICK CORSARO  
PRIMARY EXAMINER